S.B.CIVIL MISC. APPEAL NO.287/2007
(Dharam Singh & Ors. vs. Mitha Lal & Ors.)

Date :: 19.01.2007

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr.Bharat Shrimali for
Mr.Chain Singh, for the appellants.

For awarding compensation to the parents and brother of 18 years old vehicular accident victim Gajendra Singh @ Govind Singh said to be undergoing training in pharmacy course and earning by way of tuitions, the Tribunal, with reference to all the facts and circumstances of the case has proceeded to assess pecuniary and non-pecuniary loss for the parents at Rs.2,30,000/- and has added Rs.3,500/- towards transportation, Rs.2,000/- towards funeral expenses and another Rs.5,000/- towards non-pecuniary loss for the brother of the deceased and has thus awarded compensation in the sum of Rs.2,40,500/- to the claimants together with interest @ 6% per annum from the date of filing of the claim application.

By way of this appeal, the claimants seek enhancement over the amount awarded by the Tribunal. Learned counsel for the appellants had contended that the Tribunal has not taken note of the earnings of the deceased from tuitions and has also not provided for the component of future prospects and the award so made by the Tribunal remains inadequate. The submissions do not merit acceptance in the context of awarding just compensation.

Though the Tribunal in the present case has proceeded to refer to the age and status of the victim and the parents, has also referred to the likely future scenario and the loss suffered

by the parents but then has abruptly picked up a figure of Rs.2,30,000/- to be awarded as compensation. Though it is expected of the Tribunal to assess the loss for the claimants on some rationale and some principles; and not to pick up a lump sum figure for awarding compensation but then, in the present case the error on the part of the Tribunal has not worked to the disadvantage of the claimants.

There being no cogent documentary evidence on record in relation to the earnings of the deceased and looking to his age at 18 years, and that of the parents at 40-38 years, on a reasonable estimate on the income of the non-earning person and likely loss for the parents of an unmarried person, and adding reasonable component of non-pecuniary loss, the award of compensation for the parents at Rs.2,30,000/- cannot be said to be too low or inadequate. The Tribunal has further allowed reasonable amount towards non-pecuniary loss for the brother, towards transportation and towards funeral expenses.

In the ultimate analysis, the award made by the Tribunal rules out any scope of enhancement.

The appeal fails and is, therefore, dismissed summarily.

[DINESH MAHESHWARI],J.

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